

CERTIFIED ACCESS SPECIALIST PROGRAM
IMPLEMENTATION COMMITTEE

Division of the State Architect

Minutes of Public Meeting
Tuesday, May 11, 2004

1102 Q Street, 5th Floor, Conference Room B
Sacramento, California

Committee Members Present

Robyn Dahlgren, Facilitator
James Abrams
Suzanne Ambrose
Jürgen Dostert
Pete Guisasola
Daniel P. Larsen
John Lonberg
Michael Paravagna
Philip C. Rubin
Patricia Yeager

DSA Staff Present

Stephan Castellanos
Mary Ann Aguayo
Rod Higgins
Karen Hodgkins
Linda Huber
Michael Mankin
Andreas Michael
Terry Salo
Elizabeth Schroeder
Mark Smith

Committee Members Absent

Patricia Barbosa
Yolanda Benson
Gene Lozano

Others Present

Kevin Clark
James Henderson

Call to Order and Introductions

State Architect Stephan Castellanos called the meeting to order at 12:45 p.m. and welcomed all participants. He noted the activities of the Implementation Committee tie in closely with the Division of the State Architect's overall implementation of an effective program that provides improved access to all members of the disabled community. He expressed his appreciation to the committee members for their willingness to spend time looking at the complex issues pertaining to access certification and training needs.

Ms. Robyn Dahlgren introduced herself, and participants took turns identifying themselves and their affiliations.

Mr. Michael Mankin, Chief of the DSA's Office of Universal Design, explained that the DSA's goal was to be as inclusive as possible in developing a certification program to professionalize the position of access compliance specialist. He noted access compliance goes beyond mere enforcement and includes thorough needs assessment and professional programming of architecture and space to meet the needs of building occupants. He observed that the DSA hopes to encourage architects and design professionals to share more information and success stories so others can learn from their experiences.

Approval of Minutes

Ms. Robyn Dahlgren drew attention to the minutes of the April 14, 2004 meeting and welcomed comments and corrections.

1
2 Ms. Karen Hodgkins noted there were problems taping the April meeting, thus the
3 minutes were difficult to create. She said the staff will use an outside transcription
4 service to produce the next set of minutes.

5
6 Ms. Hodgkins stated that staff worked with Ms. Suzy Ambrose and Mr. Jürgen Dostert
7 to provide a better summary of their presentations. She said the revised version gives a
8 more detailed description of the three steps in rights enforcement discussed by Ms.
9 Ambrose, including the initial focus on education and sending letters to local building
10 officials, legislation, and initiating enforcement. She offered to e-mail the revisions to
11 committee members.

12
13 Committee members identified the following additional corrections to the minutes:

- 14 • Page 2, Line 56: Delete the last two sentences.
- 15 • Page 3, Line 42 and Line 43: Replace “review” with “submittal.”
- 16 • Page 4, Line 45 and Line 54: Change references to “Ms. Balboa” to “Ms.
17 Barbosa.”
- 18 • Page 4, Lines 50 to 52: Change to: “Mr. Dostert commented that ADA
19 compliance alone is not sufficient. He asserts that he has yet to survey a fully
20 compliant toilet room and projects he has surveyed have been deficient in
21 meeting the state’s signage requirement.”

22
23 Ms. Hodgkins recommended revising the agenda to take the project status report before
24 the discussion of roles and responsibilities. She noted the title of the “Roles and
25 Responsibilities” item should read “Professional Scope,” and “Certification Criteria”
26 should read “Certification Classification of Access Specialists.”

27 **Project Status**

28
29 Ms. Hodgkins reported that the work of the Implementation Committee has been the
30 primary focus of the project staff. She passed out a proposed committee meeting
31 schedule and noted the June 8 meeting will feature a discussion of performance
32 standards for specialists for classification. Ms. Hodgkins commented that the monthly
33 meeting schedule is fairly ambitious.

34
35 Ms. Hodgkins reported that the staff has been very busy with research, writing, internal
36 reviews, and advance posting of the meeting minutes. She said one new student intern
37 will be starting in a few weeks, and recruitment is underway for a second intern. Ms.
38 Hodgkins noted the staff has begun researching information pertaining to exam
39 development and is exploring contracting options.

40
41 As a follow-up to some of the tasks identified at the last meeting, Ms. Hodgkins said the
42 staff considered establishing an electronic forum to disseminate information, but
43 decided not to move forward with that activity due to concerns about restrictions on
44 public meetings. She reminded participants that information can be submitted to the
45 DGS via the Web site address, CASProgram@dgs.ca.gov.

46
47 Ms. Hodgkins noted that at the last meeting, the staff discussed the possibility of
48 disseminating a form to gather information on roles and duties. However, after further
49 consideration, the staff decided it would be better to use information already available.
50 Ms. Hodgkins said one of the student interns will be assigned to conduct statistical
51 research.

1
2 Ms. Hodgkins noted the staff can make all written materials and meeting handouts
3 available to participants in audio and electronic formats upon request.
4

5 Ms. Dahlgren commented that she found an attorney general opinion that concluded it
6 would be a violation of open meeting laws to have more than a majority of committee
7 members communicating with each other via email. She added that it would be difficult
8 to monitor how many people were involved in a conversation at any given time. For that
9 reason, the staff determined it would be better to stick with one-way communications.
10

11 Ms. Hodgkins noted the Bagley-Keene Act prohibits meetings of three or more
12 members without public notice and public access. She said the DSA will post all items
13 on the Web site and mail them to people on the mailing list.
14

15 Mr. Mark Smith reported on program development activities. He said the staff tested
16 the email distribution system and received 10 out of 12 responses. He noted the format
17 and publication type of staff issue papers was changed, and these documents will now
18 be called staff reports. In addition, staff reports will be numbered sequentially to help
19 identify them with the meeting to which they relate.
20

21 Mr. Smith discussed refinements to the process by which committee recommendations
22 will be reviewed by the DSA. He said the new process calls for recording all meetings
23 on tape, and committee deliberations will be paraphrased and summarized in minutes.
24 Recommendations and action items will be compiled and provided to committee
25 members so they can be reviewed and discussed at the next meeting. Once approved,
26 the recommendations will be forwarded to the State Architect along with a narrative staff
27 report.
28

29 Mr. Smith noted another change entails revising the sequencing of agenda topics to
30 adapt to a four-week meeting schedule. He said the June meeting will focus on
31 performance standards, the July meeting will include discussion of candidate
32 qualifications and knowledge base requirements, and the August meeting will be
33 devoted to examination issues. The committee will be looking at a code of ethics or
34 code of conduct by the November meeting.
35

36 Mr. Smith encouraged committee members to think of committee recommendations as
37 works in progress rather than as final determinations. He observed that many issues
38 are interrelated, but the staff will attempt to identify incremental steps in order to make
39 topics easier for the committee to tackle. Mr. Smith observed that the committee will
40 probably want to revisit some previously deliberated issues on occasion and make
41 refinements based on later discussions. He noted the committee's final report can be
42 used as a mechanism to explain the process of deliberation and how specific
43 refinements came about.
44

45 Mr. Smith emphasized the need to develop consistent program terminology throughout
46 the committee's documents. For example, he suggested using the acronym CASp to
47 refer to the Certified Access Specialist Program itself. Mr. Smith noted the concepts of
48 specialties and competency levels will be introduced and defined later in the meeting.
49

50 Mr. Smith encouraged committee members to provide the staff with references to
51 helpful materials. He expressed appreciation to Mr. Philip Rubin for informing him about
52 the Illinois "Equip for Equity" program. He said that in looking at that Web site, he found

1 a document produced by the Illinois Attorney General providing advice on correct and
2 incorrect terminology for depicting people with disabilities.

3
4 Ms. Dahlgren suggested posting the Illinois document on the Web site.

5
6 **Professional Scope**

7 Ms. Dahlgren drew attention to Staff Report 2.1, "Professional Scope." She invited Mr.
8 Smith to provide a brief overview of the material.

9
10 Mr. Smith emphasized the importance of carefully defining all the activities and
11 functions expected of a certified access specialist. He noted the staff report identifies
12 four distinct specialty areas, and once those are defined, the committee can develop
13 separate certification classifications, individualized performance standards, and
14 appropriate professional training.

15
16 Mr. Smith reviewed key functions of certified access specialists: 1) preparing and
17 reviewing construction documents for accessible construction; 2) inspecting
18 construction; 3) enforcing and facilitating disability rights by serving as a liaison with
19 members of the public who encounter barriers to accessibility; 4) preparing facility
20 surveys to assess accessibility and monitoring corrective work; and 5) acknowledging
21 and assisting ADA coordinators in their important roles of facilitating access. He noted
22 that besides assisting with plan review, inspection, and enforcement activities, certified
23 access specialists can perform a valuable service by working with accessibility
24 programs and facilitating the work of people involved in this field.

25
26 Mr. Michael Paravagna supported the concept of having certified access specialists
27 work with accessibility programs. He noted the U.S. Department of Justice identifies 13
28 diverse elements that ADA coordinators need to consider when assessing Title 2
29 compliance.

30
31 Mr. Dostert suggested combining some of the functions identified in the staff report. He
32 observed that 1, 2, and 4 are primarily technical and administrative functions, while 3
33 and 5 are more liaison- and program-related. He also noted that there are people with
34 expertise in specific areas like signage that may not have experience in other areas,
35 and he questioned whether they should be denied certification.

36
37 Mr. James Abrams proposed establishing four categories: 1) preparing and reviewing
38 plans; 2) inspecting construction, including preparing surveys and monitoring corrective
39 work; 3) facilitating disability rights access, including both construction and people-
40 related functions; and 4) working with ADA coordinators and accessibility programs. He
41 expressed support for expanding the scope of the responsibility beyond construction
42 issues to include providing advice on more people-related issues.

43
44 Mr. Abrams said one of the biggest issues facing public accommodation businesses is
45 ensuring that construction and alteration projects are done correctly. He noted certified
46 access specialists should have sufficient competence and expertise in these
47 construction and enforcement-related issues to provide that assurance. He added that
48 a separate category of skills, and equally important, would be expertise in accessibility
49 programs, policies, and procedures. Mr. Abrams observed that specialists with this kind
50 of "people" expertise may not have the same kinds of skills as those with "construction"
51 type expertise.

1 Mr. Pete Guisasola commented that the field of access compliance is very complex and
2 broad in scope. He agreed that each certification category should be as broad as
3 possible, especially dealing with construction. However, he expressed concern about
4 creating a system that will necessitate hiring a team of access specialists. He
5 suggested considering some kind of specialty licensing program, such as that used by
6 the contractors board, to provide sufficient focus in certain areas. Mr. Guisasola noted
7 that in the building code arena, generalists can be helpful in providing broad expertise in
8 simple building types, but specialists are also needed for complex issues.
9
10 Mr. Guisasola commented that the committee will eventually need to determine what
11 kind of training and reference materials should be provided and what kind of testing
12 should be used to measure levels of competency.
13
14 Mr. Rubin suggested developing some kind of access audit as a tool for specialists to
15 evaluate compliance. He also recommended looking at architect and contractor
16 licensing and training materials on general accessibility for possible inclusion in the
17 certified access specialist exam.
18
19 Mr. Smith cautioned that having a separate access audit could imply that DSA is
20 changing the regulations by which building permits are granted.
21
22 Mr. Rubin expressed support for the concept of having two certified access specialist
23 categories, one dealing with construction issues and another dealing with "people"
24 issues, as proposed by Mr. Abrams.
25
26 Mr. Paravagna commented that one person can only have so much expertise. He
27 suggested focusing on defining the inventory of the kinds of expertise and knowledge
28 required, and then diagramming how the elements of the inventory relate so they can be
29 clustered in different specialty and subspecialty areas. He recommended making use of
30 existing self-evaluation materials and transition plans.
31
32 Mr. Abrams proposed that the committee make note of specific things that would require
33 future legislation and regulation. He expressed support for Mr. Paravagna's idea about
34 defining what knowledge it takes to make a building accessible. He suggested using
35 that body of knowledge as a base requirement, and then adding program expertise to
36 that as a specialty area.
37
38 Ms. Patricia Yeager cautioned against making the scope too broad. She commented
39 that certified access specialists need to know code accessibility requirements and how
40 spaces in buildings will be used so that appropriate programs can be established.
41
42 Ms. Yeager clarified that Section 508 of the Rehabilitation Act, or SB 105, focuses on
43 making information accessible, which could become a subspecialty area.
44
45 Ms. Yeager noted that ADA coordinators should not be saddled with implementing
46 stipulated court agreements. She added that the position of ADA coordinator could be a
47 career within itself rather than being limited to working just with government agencies.
48
49 Mr. Dostert recommended focusing on identifying the range of activities in which access
50 specialists will be involved. He proposed defining the basic depth of knowledge
51 required, and then determining the categories. He agreed with Ms. Yeager that it would

1 be better to have fewer categories than multiple specialties. For example, Mr. Dostert
2 suggested grouping plan review and physical inspection in a single category.

3
4 Mr. John Lonberg commented that the new numbering system proposed by the staff
5 makes sense because it will be easier to associate particular documents with the
6 meeting in which they were discussed.

7
8 Mr. Lonberg asked for clarification as to how the role of a certified access specialist will
9 interact with existing authority figures in the built environment, such as building officials
10 and ADA coordinators. He observed that most ADA coordinators have limited authority
11 to make definitive decisions. He expressed concern about how building officials will
12 react to the presence of certified access specialists.

13
14 Mr. Guisasola said he envisioned that most building projects will have some analysis of
15 the building plan during the planning and design phase, so that report can provide some
16 indication of how complete the plans are. He noted the report can also be used as a
17 tool for monitoring the design and construction process.

18
19 Mr. Lonberg asked who would generate the report referred to by Mr. Guisasola. Mr.
20 Guisasola responded that the report could be done by the certified access specialist.
21 Ms. Dahlgren commented that the report sounds similar to the access audit proposed
22 by Mr. Rubin.

23
24 Mr. Smith said he was excited to hear the committee discussing these ideas. With
25 respect to how certified access specialists would be integrated with other officials, he
26 noted that building officials could obtain certification for themselves or make certification
27 a job requirement for new hires. Another approach might be to hire consultants as
28 specialists to work with architects and engineers. Mr. Smith added that it might be
29 advisable to change the regulations to require a report, as proposed by Mr. Guisasola.

30
31 Mr. Smith expressed support for the notion of doing an inventory of skills. He noted
32 once the skills are identified, it will be easier to group similar skills into certain
33 classifications.

34
35 Committee members took a brief recess.

36 37 **Certification Criteria**

38 After reconvening, Mr. Smith drew attention to his staff report outlining some ideas for
39 certification criteria. He suggested using the concept of the built environment as a
40 starting point. Mr. Smith proposed taking a conceptual framework approach, first
41 grouping information by similarities, and then differentiating within the categories by
42 looking at differences. For example, he noted, it might make sense to look at the skill
43 sets first, and then identify different educational paths for different specialists.

44
45 Mr. Smith suggested it might make sense to establish two classifications for certified
46 specialists: accessible construction and accessibility programs, corresponding to Mr.
47 Abrams' description of construction-oriented and people-oriented categories.

48
49 Mr. Mankin noted accessible programming is an essential element of accessible
50 construction. He observed that bridging these two elements entails determining what
51 functional activities are going on in a building space, conducting a needs assessment,
52 and then identifying program solutions. He added that for this reason, it might be

1 difficult to separate construction-related activities from program-related activities. Mr.
2 Mankin expressed concern that separating the two elements could result in pitting one
3 type of specialist against another.

4
5 Mr. Paravagna said ADA coordinators tend to fall into two categories, those who have
6 expertise in physical access and those who have expertise in program access. He
7 suggested following the same distinction in the classification of access specialist, but
8 also providing some cross-training to ensure a basic level of knowledge so the two
9 types of specialists can work together effectively.

10
11 Mr. Dan Larsen said he thought the purpose of the committee was to focus on how
12 buildings are constructed rather than how they are used internally. He questioned how
13 the program level fits in with those functions.

14
15 Mr. Smith responded that access complaints often deal with program issues rather than
16 physical construction.

17
18 Mr. Dostert commented that when he reviews buildings, he sometimes finds features
19 that make space unusable, although the structure itself may comply with code
20 requirements. He agreed with Mr. Mankin's viewpoint that program accessibility needs
21 to be coordinated with physical accessibility.

22
23 Ms. Yeager emphasized the need to expand the concept of accessibility beyond the
24 physical structure.

25
26 Mr. Larsen stated that builders typically want to be referred to specific code sections
27 where accessibility requirements are spelled out. He questioned whether determining
28 accessibility should be up to the building official inspecting the construction or the state
29 agency using the space.

30
31 Mr. Lonberg observed that in both the ADA and Title 24, the statute requires both
32 accessibility and usability. He noted focusing too much on the specific regulations that
33 implement the statutes can distract attention from the statutory intent. He emphasized
34 the importance of ensuring usability as the real test of accessibility.

35
36 Mr. Guisasola commented that for this reason, it makes sense to have someone
37 following each project through from design to construction to use. He said he recently
38 asked an architect to provide a breakdown showing how a project complies with the
39 ADA, Title 24, and program requirements, and designers need to be aware that these
40 three aspects are related.

41
42 Mr. Paravagna emphasized the importance of developing good working partnerships
43 between architects and plan reviewers. He again made the point that construction
44 access specialists and program access specialists need to know a little bit about each
45 other's areas.

46
47 Mr. Abrams commented that there are many program considerations that have to do
48 with whether a space is accessible to and usable by people with disabilities. On the
49 other hand, there are some program issues that have nothing to do with physical
50 construction. He agreed with Mr. Larsen that building owners and contractors are
51 looking for certainty that what they build meets at least the letter of the law. However,

1 Mr. Abrams said, SB 262 makes it clear that meeting the literal wording of the building
2 code does not ensure usability.
3
4 Mr. Abrams expressed his opinion that the committee should recommend that a certified
5 access specialist should be able to advise people with respect to building codes and
6 ADA compliance. Mr. Abrams indicated that he would draft a motion and sent to DSA
7 staff for distribution with the meeting minutes (*Meeting motion is attached*).
8
9 Committee members agreed that at a minimum, certified access specialists should be
10 aware of building code requirements, ANSI standards, federal laws and accessibility
11 guidelines. Mr. Dostert offered to provide a list of resource materials, and he
12 encouraged other committee members to submit additional resources.
13
14 **Public Comment**
15 There were no members of the public who wished to address the committee.
16
17 **Adjournment**
18 There being no further business, the meeting was adjourned at 4:00 p.m.